

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL A. WOOD,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. 2:22-CV-636-DGE-DWC

ORDER RE-DIRECTING SERVICE OF
CIVIL RIGHTS COMPLAINT

This is a civil rights action brought pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). Plaintiff is proceeding with this action *pro se* and *in forma pauperis*. The Court previously directed service in this matter. Dkt. 19. Defendant Bureau of Prisons (“BOP”) has filed a motion contending it has not been properly served in accordance with Fed. R. Civ. P. 4(i)(2). Dkt. 33 at 4.

(1) Extension of Time to Effectuate Service

Because Plaintiff is proceeding *in forma pauperis*, “[t]he officers of the court shall issue and serve all process.” 28 U.S.C. § 1915(d). However, if there is an error in the effectuation of service by the Court or the Marshal a plaintiff should be penalized. *Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir. 1990). Instead, any failure to effect service is ““automatically good cause

1 within the meaning of Rule 4([m]).” *Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994)
2 (*quoting Sellers v. United States*, 902 F.2d 598, 603 (7th Cir.1990)).

3 Accordingly, the Court finds there is good cause to extend the time for service pursuant
4 to Fed. R. Civ. P. 4(m) until September 1, 2023.

5 (2) Service by Clerk

6 Pursuant to Fed. R. Civ. P. 4(i), the Clerk is directed to send the following to Defendant
7 BOP and to the civil-process clerk at the United States Attorney’s office by registered or
8 certified mail postage prepaid and return receipt requested: a copy of Plaintiff’s Second
9 Amended Complaint (Dkt. 18), a summons, and a copy of this Order. The Clerk is also directed
10 to send a copy of each of these documents by registered or certified mail to the Attorney
11 General of the United States at Washington, D.C.

12 (3) Prior Order

13 All portions of this Court’s prior Order Directing Service (Dkt. 19) that do not contradict
14 this Order remain in full force and effect.

15 (4) The Clerk is directed to send copies of this Order to plaintiff. The Clerk is further
16 directed send a copy of this Order and a courtesy copy of plaintiff’s Second Amended Complaint
17 to the Office of the United States Attorney, Western District of Washington, by first-class mail,
18 by first-class mail.

19 Dated this 21st day of July, 2023.

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22 David W. Christel
23 Chief United States Magistrate Judge